

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

W. DOUGLAS SPRAGUE (CASBN 202121)
Acting Chief, Criminal Division

ALLISON MARSTON DANNER (CASBN 195046)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7144
Fax: (415) 436-7234
Email: allison.danner@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0478 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
ERNESTO ALBERTO GONZALEZ,)	
)	
Defendant.)	

With the agreement of the parties in open court, and with the consent of defendant Ernesto Alberto Gonzalez, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from July 24, 2007 through September 7, 2007, the date of defendant's first appearance in District Court. The parties agree, and the Court finds and holds, as follows:

1. Defendant was first arraigned on a complaint alleging a one-count violation of 8 U.S.C. § 1326 on July 20, 2007 before Magistrate Judge Vadas. On July 24, 2007, Chief Magistrate Judge Larson arraigned defendant on an information charging a one-count violation of 8 U.S.C. § 1326. Defendant is scheduled to make his first appearance before Judge Illston on September 7, 2007.

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2 2. On July 24, 2007, defendant agreed to an exclusion of time under the Speedy Trial
3 Act. Failure to grant the requested continuance would unreasonably deny defense counsel
4 reasonable time necessary for effective preparation in this case, taking into account the exercise
5 of due diligence. Defendant requested this time exclusion in order to allow his counsel time to
6 review discovery that has recently been provided by the government and discovery that has not
7 yet been provided by the government and to ensure continuity of defense counsel.

8 3. Given these circumstances, the Court found that the ends of justice served by
9 excluding the period from July 24, 2007 through September 7, 2007 outweigh the best interest of
10 the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

11 4. Accordingly, and with the consent of the defendant at the hearing on July 24,
12 2007, the Court ordered that the period from July 24, 2007 through September 7, 2007 be
13 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

14 IT IS SO STIPULATED.

15
16 DATED: July 24, 2007

/s/

GEOFFREY HANSEN
Attorney for Defendant

17
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19 DATED: July 24, 2007

/s/

ALLISON MARSTON DANNER
Assistant United States Attorney

20
21
22 IT IS SO ORDERED.

23
24 DATED: _____

JAMES LARSON
Chief United States Magistrate Judge